

ORIGINAL.

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

2 -----X
3 ADRIAN SCHOOLCRAFT,

3 PLAINTIFF,

4 -----X
5 -against- Case No.:
6 10CIV 6005 (RWS)

7 THE CITY OF NEW YORK, ET AL, DEPUTY CHIEF MICHAEL MARINO,
8 TAX ID 873220, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY,
9 ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH, GERALD
10 NELSON, TAX ID 912370, INDIVIDUALLY AND IN HIS OFFICIAL
11 CAPACITY, DEPUTY INSPECTOR STEVEN MAURIELLO TAX ID 895117,
12 INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, CAPTAIN THEODORE
13 LAUTERBORN, TAX ID 897840, INDIVIDUALLY AND IN HIS OFFICIAL
14 CAPACITY, LIEUTENANT WILLIAM GOUGH, TAX ID 919124,
15 INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, SERGEANT
16 FREDERICK SAWYER, SHIELD NUMBER 2576, INDIVIDUALLY AND IN
17 HIS OFFICIAL CAPACITY, SERGEANT KURT DUNCAN, SHIELD 2483,
18 INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, LIEUTENANT
19 CHRISTOPHER BROSCHART TAX ID 915354, INDIVIDUALLY AND IN
20 HIS OFFICIAL CAPACITY, LIEUTENANT TIMOTHY CAUGHEY, TAX ID
21 885374, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, SERGEANT
22 SHANTEL JAMES, SHIELD NO. 3004 AND PO'S JOHN DOE 1-50
23 INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES, JAMAICA
24 HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, INDIVIDUALLY AND
25 IN HIS OFFICIALLY CAPACITY, DR. LILIAN ALDANA-BERNIER,
INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AND JAMAICA
HOSPITAL MEDICAL CENTER EMPLOYEES JOHN DOE 1-50
INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES (THE NAME
JOHN DOE BEING FICTITIOUS, AS THE TRUE NAMES ARE PRESENTLY
UNKNOWN),

DEFENDANTS.

X

20

21 DATE: June 5, 2014

22 TIME: 10:16 A.M.

23

24 (DEPOSITION OF JOSEPH FERRARA.)

25

1 DATE: June 5, 2014

2 TIME: 10:16 A.M.

3

4 DEPOSITION of a Non-Party Witness, JOSEPH
5 FERRARA, taken by the respective parties, pursuant to a
6 Court Order and to the Federal Rules of Civil Procedure,
7 held at the offices of The New York City Law Department,
8 100 Church Street, New York, New York 10007, before Gena
9 Nardone, a Notary Public of the State of New York.

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JOSEPH FERRARA

1 in, so I just, you know, put September of '08, so I just
2 put 00 down because I didn't know what date it actually
3 was.

4 Q. And on the next page 12165, the second paragraph
5 that has 10/00/08. Why did you use that date?

6 A. I didn't know the specific date that I was taken
7 off of whatever that says there.

8 Q. So, for at least those two entries you didn't put
9 this entry in immediately following the claimed misconduct?

10 A. That's correct.

11 Q. So, you claim that the retaliation against you
12 began in March 2007 by Captain Lunetta; is that correct?

13 A. Yes, I believe so.

14 Q. I'm not referring to the -- to the pages --

15 A. Oh, okay.

16 Q. -- you're welcome to look through them, but
17 generally --

18 A. All right.

19 Q. -- is that -- is that your claim?

20 A. Yeah, uh-huh.

21 Q. So, starting in March of 2007, what form did this
22 alleged retaliation take?

23 A. Well, before I was allowed to do overtime without
24 any questions asked, I was able to do operations in the
25 field, surveillances, integrity tests without any --

JOSEPH FERRARA

1 Q. Did anyone tell you that you were getting more
2 overtime than other lieutenants?

3 A. No.

4 Q. Why did you believe that your transfer to group
5 52 was retaliatory?

6 A. Because, when -- when I went and met with
7 Inspector O'Brien he told me he needed -- he wanted a
8 strong lieutenant supervisor in that group, okay. And when
9 I got to that group a couple days after I got there they
10 needed another lieutenant in that group to cover the other
11 testing team, they brought in a lieutenant from patrol who
12 had no experience with IAB whatsoever. So I felt that was
13 retaliatory because you're saying you need a strong
14 lieutenant who knows IAB, but now you're bringing somebody
15 else who has no -- never did any time in IAB whatsoever,
16 has no idea how IAB works and you bring him in and put him
17 right next to me, so I felt that was retaliatory.

18 Q. Did you make any less money in group 52?

19 A. From group 56?

20 Q. Yes.

21 A. Yes.

22 Q. Why did you make less money?

23 A. I wasn't allowed to do any overtime.

24 Q. Was your straight pay different in any way?

25 A. Was my what?

JOSEPH FERRARA

1 Q. Why did you notify Captain Monteleone about that?

2 A. I felt like he knew from other supervisors
3 talking about the situation because word had gotten around,
4 pretty much the whole Internal Affairs Bureau about what
5 was going on, so I just wanted to explain to him, you know,
6 my side of what happened and that, you know, I felt like I
7 had to -- you know, I felt like I had to explain myself to
8 him.

9 Q. Did he say anything to you that made you believe
10 he already knew about your relationship with Dawn and Chief
11 Mohammed?

12 A. No, he didn't.

13 Q. Were you retaliated against as a result of
14 telling Captain Monteleone that information?

15 MR. SMITH: Objection to form.

16 A. No, I don't believe it was in regards to that.

17 Q. Why do you believe you were retaliated against by
18 Captain Monteleone?

19 A. Well, they came up with vacation picks, according
20 to the patrol guide, I'm going to say hypothetically,
21 because I don't know what the actual number is. When
22 there's three or more lieutenants working on a -- in a
23 group -- let's say four. If there's a four or more
24 lieutenants working in a group then there is double picks,
25 which means a lieutenant can pick with another lieutenant

JOSEPH FERRARA

1 for a specific week, okay, and if it's less than four, then
2 there's single picks. So, if May -- if the month of May is
3 taken up by another lieutenant then nobody else can take
4 it.

5 Now, in our group we had, I think, five
6 lieutenants working on paper and Monteleone turned around
7 and says no double picks for lieutenants. He was big with
8 having people there all the time. So, he turned around and
9 said no, no picks for lieutenants, no double picks, it's
10 only going to be single picks. So I challenged that, I
11 called the LBA up and I asked the LBA, I was like, you
12 know, can he do that, I said because, you know, he's saying
13 no. The LBA told me you could put a grievance in and fight
14 that because you guys are carrying, let's say, five
15 lieutenants and the number is like four or more and you --
16 --you're entitled to double picks.

17 So I did that and Monteleone -- Monteleone knew I
18 did that and then after that it was the same thing with
19 retaliation. I had to -- with Monteleone if I -- I had to
20 start filling out a daily activity report of what I did
21 each day which nobody else had to do in that -- in that
22 office. If I went out where did I go, what did I do, if I
23 came back how long I spent on a specific case number. I
24 had to write specific stuff down for him.

25 MS. PUBLICKER METTHAM: We need to take